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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,292	09/11/2003	Jerry Walter Malcolm	AUS920030222US1	5391
46073	7590	01/24/2007		
IBM CORPORATION (VE) C/O VOLEL EMILE P. O. BOX 162485 AUSTIN, TX 78716			EXAMINER LONG, ANDREA NATAE	
			ART UNIT 2176	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/660,292	Applicant(s) MALCOLM ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Applicant's Response***

In Applicant's Response dated 11/27/2006, Applicant amended independent claims 1, 7, and 13. Claims 1-18 are currently pending in the present application.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 7-9, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengstack (Sams Teach Yourself Adobe Premiere 6.5 in 24 Hours), hereinafter Sengstack in view of Seidman (PG Pub US 2003/0190961 A1), hereinafter "Seidman".**

**As to independent claim 1**, Sengstack discloses a method of authoring digitized audio/video recordings (p.1 3<sup>rd</sup> paragraph last line, p. 2 1<sup>st</sup> paragraph, p.3) of previewing an audio/video data recording to identify a scene to be included in a first version of the recording, a scene being a group of contiguous video frames (p. 4 1<sup>st</sup> bullet "Movie Capture", p.5 #2), identifying the scene (p.5 #3 & #5), selecting a title by which to identify the first version of the recording (p.5 last paragraph), and associating the scene to be included in the first version with the selected title of the first version of the

recording (p.5 last paragraph, p.6 1<sup>st</sup> & 3<sup>rd</sup> paragraph). Sengstack teaches having multiple recordings available and associating them with menu buttons (page 7).

However, Sengstack does not state that the multiple movies are different versions of the same movie. Seidman teaches that it is well known in the art that DVDs have the capability to play one of a plurality of different content versions (page 1 paragraph [0007]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the multiple movies of Sengstack to include versions as described by Seidman to allow a user to play one of a plurality of different content versions based on the user's preference (page 1 paragraph [0007]).

**As to independent claims 7 and 13**, they are rejected under the same rationale as claim 1.

**As to dependent claims 2, 8, and 14**, Sengstack, wherein an encoding system is used to convert an analog audio/video recording into digitized audio/video recording (p.8, p.9).

**As to dependent claim 3, 9, and 15**, Sengstack teaches wherein the previewed recording, including the selected title, is recorded on a DVD (p.10 1<sup>st</sup> paragraph, p.11 last line).

**3. Claims 4-6, 10-12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengstack (Sams Teach Yourself Adobe Premiere 6.5 in 24 Hours) in view of Seidman (PG Pub US 2003/0190961 A1) in further view of Neubert et al (Elements of a New Authoring System for Digital Video Disk), hereinafter "Neubert".**

**As to dependent claims 4, 10, and 16,** Sengstack as modified by Seidman teaches previewing the recording. Sengstack as modified by Seidman does not teach using an emulator to preview the recording. Neubert teaches wherein an emulator is used to preview the recording (p. 762 3<sup>rd</sup> column 4<sup>th</sup> paragraph p. 764 3<sup>rd</sup> column 2<sup>nd</sup> paragraph). It would have been obvious to one skilled in the art at the time the invention was made to have combine Sengstack as modified by Seidman teachings of previewing the recording with the emulator of Neubert. Neubert discusses the motivation to have an emulator for previewing the recording, by stating that the checking section, which included an emulator, is important and should be included to assure media compatibility with all relevant standards and with DVD players of all makes and models.

**As to dependent claims 5, 11, and 17,** Sengstack as modified by Seidman teaches associating the identified scenes with the selected title. Sengstack as modified by Seidman does not teach that function occurring in the emulator. Neubert teaches an

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emulator p. 762 3<sup>rd</sup> column 4<sup>th</sup> paragraph p. 764 3<sup>rd</sup> column 2<sup>nd</sup> paragraph) in an authoring system. It would have been obvious to one skilled in the art at the time the invention was made to have combined the Sengstack as modified by Seidman function of associating the identified the scenes with the selected title with Neubert's emulator. Neubert discusses the motivation to have an emulator with which associates the identified scenes with the selected title by, stating that the checking section, which included an emulator, is important and should be included to assure media compatibility with all relevant standards and with DVD players of all makes and models.

**As to dependent claims 6, 12, and 18,** Sengstack teaches associating the identified scenes with the selected title occurs in an authoring system. Note the discussion above, Adobe Premiere is a software program, which concentrates on DVD authoring. Applicant states that authoring a recording is to provide one or more titles that an end-user may use to play recording and to combine and link the titles to video, audio, and still image data. That concludes that identifying scenes with a selected title is part of the authoring system and therefore is already addressed above as being taught by Sengstack with Adobe Premiere.

***Response to Arguments***

4. Applicant's arguments filed on 11/27/2006 have been fully considered.

Applicant's arguments that ADOBE Premiere only teaches one scene being downloaded. With independent claims being amended to include a first and second version of scenes, which is not taught by Premiere.

Applicant's arguments with respect to independent claims 1, 7, and 13 have been considered but are moot in view of the new ground(s) of rejection as necessitated by the amendment.

While ADOBE Premiere does not specifically disclose different versions of scenes, ADOBE Premiere does disclose multiple movies being downloaded onto a DVD. Seidman teaches that it is well known in the art that DVD have the capability to play one of a plurality of different content versions. It would have been obvious to one skilled in the art at the time the invention was made to have combined the multiple movies of Sengstack to include versions as described by Seidman to allow a user to play one of a plurality of different content versions based on the user's preference

***Conclusion***

5. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
01/19/2007

*William L. Bashore*  
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**PRIMARY EXAMINER**